



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,873	12/20/2004	Jochen Fink	PP/1-22699/A/CGM 515/PCT	3532
324	7590	06/30/2008	EXAMINER	
JoAnn Villamizar Ciba Corporation/Patent Department 540 White Plains Road P.O. Box 2005 Tarrytown, NY 10591			MULLIS, JEFFREY C	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			06/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10518873	12/20/04	FINK ET AL.	PP/1-22699/A/CGM

515/PCT

JoAnn Villamizar
Ciba Corporation/Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

EXAMINER

Jeffrey C.. Mullis

ART UNIT	PAPER
1796	20080625

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Section “(2) Related Appeals and Interferences” in the Examiner’s Answer of 6-18-08 should have read in its entirety—

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal. --

Section “(9) Grounds of Rejection” starting on page 3 of the Examiner’s Answer of 6-18-08 should have read in its entirety –

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 7-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chin et al. (US 6,444,754).

Patentees in Example 3 disclose a process in which a polystyrene produced by polymerization of styrene in the presence of a nitroxyl compound having a glycidyl group is contacted at 235-275 degrees centigrade with thermoplastics having epoxy reactive groups such as polyamide or PPE. Note Example 3 in this re and also that styrenic block copolymer is present. Since the glycidyl group containing polystyrene would be expected by those skilled in the art to be reactive with at least the sort of end units expected to be present in PPE and polyamide as well as the maleic anhydride moieties and residual unsaturation of the SEBS (admittedly which would be present in very small amounts), those skilled in the art would assume a graft would be formed.

When the reference discloses all the limitations of a claim except a property or function, and the Examiner cannot determine whether or not the reference inherently possesses properties which anticipate or render obvious the claimed invention, basis exists for shifting the burden of proof to applicant. Note In re Fitzgerald et al. 619 F. 2d 67, 70, 205 USPQ 594, 596, (CCPA 1980). See MPEP § 2112 2112.02. --.

Reference to 35 USC 103(a) in section 9 was in error. The grounds of rejection in the Examiner’s Answer is thus identical to that of

the FINAL rejection of 10-30-07.

JCM

6-25-08

/Jeffrey C. Mullis/

Primary Examiner, Art Unit 1796